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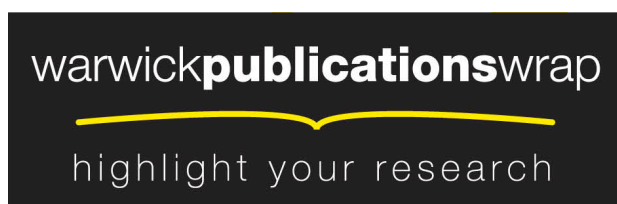
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# **Experimentalist governance, deliberation and democracy:**

## **A case study of primary commodity roundtables**

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**Experimentalist governance, deliberation and democracy:  
A case study of primary commodity roundtables**

James Brassett, Ben Richardson, & William Smith

**Abstract**

The emergence of primary commodity roundtables that seek to regulate producers according to principles of sustainability represents an interesting set of dilemmas. Made up of self-selected combinations of private organizations, global civil society, and interested stakeholders they blur commonly held understandings of governance and democracy in global context. On the one hand, the absence of states suggests that, to the extent that they are successful in applying and enforcing a rigorous standard of sustainability, they must count as *private* makers of *global public policy*. On the other hand, the inclusion of global civil society within their membership suggests a set of questions for how to conceptualise and develop understandings of the political role of such organizations. In this paper, we step back from a view of global civil society as necessarily acting ‘in opposition to’ either the state or private organizations, and instead seek to unpick how civil society organisations work *with*, *within* and *against* roundtables. We do this, moreover, by situating our analysis within a broader set of macro level considerations about governance and regulation in global perspective that focuses on the deliberative and democratic possibilities (and limits) of roundtables. In particular, we develop and critically evaluate the pragmatist theory of experimentalist governance as a framework for understanding and evaluating Roundtables. While experimentalism offers a number of fruitful avenues for thinking about and practicing deliberative global governance via Roundtable we address two limitations. Firstly, the absence of a supportive social background for deliberation implies creative thinking is required with regards to fostering a level of ‘deliberation against’ Roundtables. Secondly, in a related point we raise questions of scale: the *mode of regulation* via Roundtables privileges quantitative assessment to render commodity chains in ‘singular’ and ‘vertical’ terms. We therefore raise ‘off farm’ issues of how decisions in one commodity sector have implications for others, and, further, how global regulation can overlook local compromises between the environment and agriculture. We therefore conclude by identifying a number of challenges for developing the theory and practice of experimentalist governance.

**Keywords:** Deliberation, Democracy, Roundtables, Global Civil Society, Sustainability

## Introduction: Experimentalist Governance via Roundtables

The challenges of establishing democracy at the global level – including scale/complexity, diffuse authority and unspecified constituencies – have led a number of authors to identify *deliberative* mechanisms as a means of embedding democratic values in global governance (Bohman 1999; Dryzek 2006). A basic idea of deliberative approaches is that global decisions should be made through an exchange of arguments between affected parties about the best way to address collective problems.<sup>1</sup> This paper engages with a particular version of this approach, ‘experimentalist governance’, as a framework for understanding and evaluating the complex organisational structure of global governance (Cohen and Sabel 2006). The approach contends that experimental decision-making units with plural (possibly overlapping) constituencies and robust peer review systems can foster ‘democratic destabilisations’, in turn fostering increases in the level and quality of transnational deliberation (Sabel and Zeitlen 2008). Advocates of experimentalist governance have claimed that the best realization of their ideal is the complex administrative structures of the European Union (EU). But they also express the hope, supported by empirical reflections, that this model can be ‘up-scaled’ to the global level.

Our paper tests these aspirations for global democracy, through considering the extent to which a recent experiment in regulating global trade succeeds in realizing the aspirations of experimentalist governance. The centrepiece of our analysis is a case study of primary commodities roundtables, which institute dialogue between civil society and industry actors geared towards achieving an effective regime of standard-setting. By focusing on primary commodities roundtables—their governance, regulation, and attempt to benchmark producers against principles of ‘sustainability’—we explore the potential of subjecting contentious areas of global trade to the rigours of experimentalist governance.

Our findings offer some basis for optimism about the value of employing experimentalism as a framework for reforming this area of global governance. The

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<sup>1</sup> We understand deliberation in minimalist terms as a process of public reasoning geared toward generating political decisions or public opinion about how to resolve shared problems. This definition contrasts with ‘thicker’ notions that impute a more comprehensive set of democratic values including representation, non-domination, egalitarianism and inclusion (See *inter alia* Dryzek, Bohman, Held). While we are sympathetic to such approaches, we argue that in order to provide an adequate purchase on the ongoing practices of global governance, they would need to provide a more detailed account of how actually-existing deliberations are able to promote such values (Smith and Brassett, 2008; Brassett and Smith, 2010). A minimalist concept of deliberation can foster a more nuanced movement between theory and practice which both allows us to reflect the often imperfect manifestation of deliberative practices in global governance *as well as* suggest how broader democratic values might emerge.

roundtables exhibit some of the virtues of deliberative global governance, including innovative modes of accountability that are particularly appropriate to global contexts and the advancement of certain democratic values through civil society participation. At the same time, however, our findings suggest that experimentalist governance faces significant challenges if it is to advance its long term aim of creating a ‘global democratic subject’. In particular, the absence of a supportive social background for democracy in global trade means the potential for entrenching concepts like sustainability is somewhat haphazard and sometimes left to the chance abilities of NGOs to impact upon Roundtables via the mobilisation of public opinion. In this sense, we highlight the need for reflection on the role of deliberations ‘against’ Roundtables on issues of sustainability, which, while ostensibly oppositional point to the possible emergence of a critical ‘global public sphere’ (Bohman, 1999). More critically, we highlight how the actual *mode of regulation* via Roundtables often involves a move to quantitative assessment that raises its own deliberative and democratic issues. A constitutive effect of regulation via roundtables is to render commodity chains in ‘singular’ and ‘vertical’ terms. In terms of sustainability, we therefore suggest that regulation can be blinkered in terms of diversity, i.e. it overlooks the way that decisions in one commodity sector have implications for others, and in terms of social embedded-ness, i.e. the local compromises between the environment and agriculture. In short, there are fundamental dilemmas in the substantive content of roundtables that should be highlighted if we are to engage with their genuinely democratic implications.

The argument proceeds in three sections. Section 1 introduces experimentalist governance via three key elements: the critique of principal-agent models of accountability and the proposal of ‘deliberative polyarchy’ as an alternative; the role of civil society in contributing to beneficial ‘democratic destabilisations’; and the aspiration for global democracy. We argue that questions of practicality and democratic culture should be addressed if experimentalism is to become a robust framework for deliberative global governance. Section 2 locates these questions via a case study of primary commodities Roundtables that see firms engage in standards setting for environmental and social sustainability. Our analysis yields detailed evidence about the internal and external deliberations of roundtables, particularly the ways in which non-governmental organisations (NGOs) have deliberated *within* but also *against* such bodies. Section 3 draws theory and practice together. We assess the roundtables through reference to the three aspects of experimentalist governance discussed in the first section: their departure from principal-agent models of accountability; their capacity to instigate democratic destabilizations; and their

status as genuine experiments in global democracy. A concluding section draws the argument together by addressing the two questions raised at the end of the first section. Our aim is to generate a set of reflections which illustrate the virtues of combining continued development of experimentalist governance with sober recognition of the challenges of democratizing the global realm.

## **1. Experimentalist governance**

This section provides a sympathetic appraisal of experimental governance that sets out the case for developing and applying it to global governance. The key challenge, from our point of view, is whether and how this model can be ‘up-scaled’ from its current most likely home in the EU – ‘blessed’ as it is with a tradition of complex and multilayered policy making – to other areas of global governance that are less state-centric and rely more on private organizations. This section focuses on three related aspects of experimentalist governance: first, its critique of principal-agent models of accountability; second, its notion of democratic destabilization; and third, its aspirations for global democracy.

### 1.1 The principal-agent model and deliberative polyarchy

Experimentalist governance is a concept that emerges from a range of authors working in and around the study of deliberative multi-level governance, focusing on emerging questions about the role of NGOs, standards-setting bodies, and complex supra-national governance arrangements where sovereignty is either pooled or diffuse (Cohen and Sabel 2006; Sabel and Zeitlen 2008). The basic proposition of such work is that we need to move beyond an account of multi-level governance that retains a clear link between ‘principals and agents’ in policy-making and instead embrace an open-ended ‘experimental’ approach to governance arrangements (Sabel 2004). The principal-agent model presupposes that, among a group of actors seeking to coordinate their activities, at least one actor—the ‘principal’—is capable of defining *ex ante* collective goals and policy strategies in a sufficiently clear and robust fashion. This principal delegates authority to an ‘agent’, who is then held to account through reference to those *ex ante* standards (Cohen and Sabel 2006: 774).

The principal-agent model breaks down, according to experimentalists, in contexts where no actor has access to clear *ex ante* goals and strategies. The actors in these contexts only have access to a range of loosely specified goals, such that ‘actors have to learn what problems they are solving and what solutions they are seeking through the very process of problem solving’ (Cohen and Sabel 2006: 774). This state-of-affairs requires a system of

policy-making that incorporates deliberation as the core method of *discovering* collective goals and monitoring their realization and so ‘deliberative polyarchy’ is introduced as an alternative to the principal-agent model of accountability (Cohen and Sabel 1997). The scheme is ‘deliberative’ in the sense that ‘questions are decided by argument about the best ways to address problems, not simply exertions of power, expressions of interest, or bargaining from power positions on the basis of interests’ (Cohen and Sabel 2006: 779). The scheme is a ‘polyarchy’ because of ‘its use of situated deliberation within decision-making units and deliberative comparisons across those units to enable them to engage in a mutually disciplined and responsive exploration of their particular variant of common problems’ (Cohen and Sabel 2006: 780).

Deliberative polyarchy thus incorporates a complex process of collaboration and peer-review between a range of ‘units’ responsible for policy-formulation, implementation, appraisal and revision. The sharing of information and experience between units facilitates a process of ‘social learning’ about the best approaches to a variety of problems. And the process of mutual review and monitoring ensures that each unit remains accountable to at least one, or possibly more, units in the problem-solving chain. The pluralism of this decision-making structure—with its emphasis on multiple units engaged in social learning—replaces the simple ‘principal-agent’ model.

The institutional arrangements favoured by the idea of deliberative polyarchy are realized to the fullest extent in the EU. The model depends on formal relations between different units in the chain, such as the Commission, regulatory units, and Member States. These units each have defined responsibilities and are obliged to report their progress and achievements to one another and there is a possibility that underperforming units are subject to ‘penalty defaults’. The relationship between the EU Commission and the Florence Electricity Forum is cited as an example of such a penalty. The Commission periodically threatens to invoke its formal powers under EU antitrust, merger control and state aid rules as a response to intransigence or obstructionist strategies by participants to the Forum. The use of these powers is regarded as sub-optimal by participants and is thus an incentive to reaching agreement within the Forum (Cohen and Zeitlin 2008: 306-8). This illustrates how, within the EU, social learning goes hand-in-glove with the threat of sanctions to cajole participants to deliberate.

The idea of deliberative polyarchy, along with its parent framework of experimentalist governance, has much to recommend it. There is a genuine attempt here to take the day-to-day complexity of EU governance seriously, identifying a logic to practices that have

commonly been understood via mapping metaphors of multi-level, multi-actor arrangements, cross cutting cleavages and/or neo-medievalism, or in more critical terms of substantive technical associations, epistemic communities and more or less bland ‘comitology’. The fact that experimentalist governance identifies logics of monitoring, which move back and forth between autonomous attempts to achieve framework goals and open comparisons with other attempts brings forward a pragmatic account of deliberation. That is to say, doubt and social learning become an integral element of the feat of exchanging ideas, or translating, from one set of experiences to another. As Gerstenburg and Sabel, (2002: 13) argue:

the exchange of ideas among those with differing views of the world is a condition of self understanding, not a feat of transcendence. Identities and interests are emergent, not fixed. Jurisdictional boundaries are not fixed limits and reminders of identity, but rather the starting points for problem-solving investigations which entertain the possibility, among other things, or revising the boundaries along with the conceptions they mark. The polity, no longer personified, itself gives meaning to the frameworks it adopts, and need no longer delegate this task to a separate administration of experts.

### 1.2 Democratic destabilisation and civil society

The preceding analysis indicates some of the attractions of experimentalist governance as a mechanism for making and delivering policy, but its status as a *democratic* theory of governance appears to be less evident. In fact, the ideas of polyarchy and peer review suggest a form of governance more akin to rule by technocrats and policy elites than rule by the people. Indeed, this is one of the principal complaints that critics invoke against the EU and which advocates of deliberative democratic reform often seek to address (Fishkin 2009: 175-83). The proponents of experimentalist governance are aware of this concern and consequently devote considerable attention to rejecting the appearance of technocracy and bolstering the democratic credentials of their theory.

The concept of *democratic destabilisation* plays a central role in their endeavours. Although this concept is said to be exportable to a range of governance contexts, it receives its most detailed explication, once again, in relation to the EU. According to Sabel and Zeitlin: “the dynamic accountability of EU governance has a potentially democratising destabilisation effect on domestic politics, and through them, in return, on the EU itself.” (Sabel and Zeitlen 2008: 277). The idea is that the creation of transnational or global sites of administration triggers a series of reactions within and across the territorial boundaries of the nation state. The key feature of these reactions is that they are deliberative. In other words,



the newly created forums of administrations trigger an informed and inclusive process of reason giving between and within diverse democratic publics pursuing mutually acceptable resolutions of collective problems (Cohen and Sabel 2006: 780). The process of peer review contributes to this destabilization, in that it establishes a contest between competing sources of technocratic authority, which undercuts the threat of rule by a unified corpus of policy elites. Interestingly, NGOs play an important role in democratic destabilization, through contributing to member-state and Europe-wide deliberation about appropriate policy goals, thus counter-balancing the danger of government through technocracy.

NGOs are often ascribed an important role in deliberative arguments as a kind of communicative ‘conveyor-belt’ between administrative bodies and the communities significantly impacted by their decisions. NGOs play an important ‘in-put’ role, by communicating the concerns of populations to participants in institutionalized deliberation, and also a vital ‘out-put’ role, by communicating the decisions and justification of global administrative bodies to the communities that they govern (Nanz and Steffek 2005). However, we would argue that the account of civil society suggested by experimentalist governance is, at times, surprisingly conventional. That is to say, civil society is ascribed an essentially reactive role as a means of contesting deliberation that takes place within institutional forums comprised of government actors and technocratic policy experts. This tends to paint civil society as a homogenous and oppositional force, which operates outside and against the forums of decision-making. As our discussion of the roundtables will illustrate, there is, in fact, significant scope for ascribing to civil society a more diverse and inclusive role in governance. In so doing, we pick up on the important role that NGOs play not merely as stakeholders involved in the *ex post* evaluation of policy, but also as active participants in the policy-making process itself (Cochran 2002; See also Brassett and Smith, 2010).

In summary, democratic destabilization suggests one route to the advancement of democratic values. But it should be noted that advocates are modest about championing the democratic credentials of experimentalist governance. According to Cohen and Zeitlin, ‘in undermining technocracy through democratising destabilisation the new architecture does not automatically produce democratic outcomes’. They continue: ‘new forms of decision making promote forms of accountability that are consistent with some aspects of democracy, though not necessarily furthering representative democracy in any traditional way’ (Sabel and Zeitlen 2008: 277). And this cautious tone is also present in reflections about the prospects for up-scaling experimentalism to the global level.

### 1.3 Towards a global democracy?

Developing from these elements, experimentalists suggest that the deliberative mode of problem-solving is particularly suited to ‘diverse and volatile environments’, including transnational and global contexts. Indeed, the complex process of accountability, with its focus on multi-level networks, peer review, and democratic destabilizations, is offered to support the supposition that democratic deliberation should not be seen as bound to a particular place, nation or culture. Indeed, Sabel and Cohen (2005) have proposed the idea of applying experimentalist governance to the question of global democracy, through using it as a framework to reform what they see as an evolving ‘arena of global administration’. Their approach rests on two arguments:

The first is that establishing new forms of accountability at the global level will—because of the way that global administration connects with national rulemaking—reshape national politics, perhaps helping to reinvigorate democracy there by opening areas of domestic rulemaking to a wider range of information, experience, and argument...The second is that those same accountability-enhancing measures have the potential to democratize emergent global administration itself, not by creating institutions of electoral accountability for a global government, but, in the first instance, by forming the people and public sphere that lie at the heart of democracy (Cohen and Sabel 2005: 766).

Clearly, the first argument is an application of the democratic destabilization thesis to global administration. However, the second introduces the related idea that a democratizing outcome of experimentalist governance is its possible long-term contributions to the creation of a global democratic subject. In presenting this more ambitious thesis, Cohen and Sabel are careful to distance their proposals from utopian aspirations for a world state. Their alternative thought is that a progressive deepening of global administration across an expansive policy agenda—including trade, security, environment, health and education—could have surprising and profound consequences, at least if such administration follows a broadly experimental agenda. This would require, for instance, that ‘global rulemaking is increasingly accountable: preceded by hearings, shaped by participation of affected parties, subject to review, and defended by reference to what are commonly recognized as reasons in an emerging public reason of global political society’ (Cohen and Sabel 2006: 795). The growing public

awareness of—and, more ambitiously, participation in—this global administrative structure may, as a consequence, mean that ‘dispersed peoples might come to share a new identity as common members of an organized global populace’ (Cohen and Sabel 2006: 796).

These reflections are described by Cohen and Sabel as somewhat ‘speculative’, but it is important to stress that their aspirations are often bolstered through hard-headed and empirically informed appraisals of ‘actually-existing’ global administration. In particular, they make a number of interesting points regarding the possibility of conceiving of structures of global trade in terms commensurate with their model of deliberative polyarchy. In particular, they note how ‘both the EU and the WTO anticipate that the freedom of (regional or international) trade they seek to foment will frequently conflict with, and need to be modified to accommodate, a wide range of normative concerns embodied in the domestic laws and regulations of member states trading in the relevant market’ (2006: 785-786). In addition, they note the way that both allow states to make their own domestic rules – that may inhibit trade – insofar as they reflect particular domestic standards. This is illustrated by the WTO Agreement on Sanitary and Phytosanitary Measures (SPS) — which applies to agricultural, health and safety regulation — and the WTO Technical Barriers to Trade (TBT) Agreement (Ibid. 786).

Despite these similarities, Cohen and Sabel also explore significant differences between the EU and the WTO that have a bearing on the extent to which deliberative polyarchy can be achieved at the global level. The process of revising standards within the EU is highly elaborated and can rely on an established body of EU law and traditions of democratic, or quasi-democratic, policy-making. But the practices of international standard setting bodies are more complicated. Although in some cases – e.g. Codex Alimentarius and the European Food Safety Agency – standard setting bodies for global trade and the EU exhibit analogous features, they see more contrast, noting:

Other domains lack fully authoritative, officially recognized, international standard-setting bodies. In such areas, NGO and industry sponsored codes of good practice tend to compete with one other (as in forestry), or among themselves and with the officially recognized, but ineffective standard setter (as in labour matters). Some studies suggest that such competition encourages higher standards. But, nonetheless, a self-interested group could in theory establish a code of its own liking and offer it as a “basis” for domestic rulemaking to complicit governments. The magnitude of the democratizing destabilization effect depends on the balance between international

standard-setting bodies that are accountable or not to peer review, and the pressures to move towards or away from such accountability (Cohen and Sabel, 2006: 788).

These differences, for us, suggest two possible lines of enquiry. Firstly, concerns are clearly raised about modes of standard setting and peer review which fall short of ‘fully authoritative’ international standard setting bodies. These types of arrangements do not appear to be prohibited by experimentalist governance, but Cohen and Sabel imply that they constitute something of a ‘hard case’ for their model of deliberative polyarchy. The problem is that such forums often generate a proliferation of standards and are particularly prone to manipulation by powerful stakeholders, which reduces their capacity to provide the kind of clear and robust processes of peer review necessary to guarantee effective accountability. Therefore we ask whether experimentalist governance should, in general, be wary of primary commodity Roundtables comprised of self-selected industry and NGO stakeholders?

And secondly, it has been noted by some critics that, for all their virtues, advocates of experimentalist governance sometimes fail to provide a full account of the relevant constituency, or ‘public’, of deliberation above the level of the nation-state or the EU (Bohman 2007: 89). Cohen and Sabel therefore explore the potential for new forms of accountability to ‘create’ new democratic publics at the global level. The challenge of a policy area like global trade, though, is that ‘problem-solving’ is often seen through the lens of economic rationality, rather than the broader range of values and traditions associated with the pursuit of a ‘common’ or ‘collective’ good by a democratic polity. Therefore we ask whether the aspiration of producing a global democratic subject is unlikely, or perhaps even impossible, in global trade?

Drawing these points together, in the next section we therefore explore primary commodities Roundtables as a ‘hard case’ for experimentalist governance, since the roundtables operate in an area of private standard setting that experimentalist governance might, to say the least, see as problematic.

## **2. A case study of primary commodity roundtables**

In recent years a number of international standard-setting bodies, known variously as multi-stakeholder initiatives or roundtables, have emerged to regulate primary commodity industries by devising a set of sustainability criteria which ensure workers, local communities and natural resources are better protected. This has taken place against the backdrop of increasing media exposure of the social exploitation and environmental degradation

associated with commodities like soy, sugarcane and palm oil (see BBC 2004; CNN 2009; *The Economist* 2010).

The roundtables take their name from the fact that a variety of stakeholders comprise their membership, and, nominally at least, there is equal status between them in agenda-setting and decision-making. Led by manufacturers/retailers and NGOs from the Global North, they also include farmers, fisheries and processors from the Global South, and in some cases banks, trade unions and academics as well. In this way they have differentiated themselves from other governance initiatives intended to promote ethically-acceptable production, such as corporate codes of conduct or ‘fair trade’ labelling initiatives, which rely on organisations from *either* the private sector *or* the third sector to compile the relevant regulations. The one stakeholder group explicitly excluded from roundtable membership have been governments (though many roundtables have received funding from state aid agencies).<sup>2</sup> By maintaining *de jure* autonomy from governments, the roundtables have been able to project themselves as commercially neutral and move further and faster in agreeing the standards against which producers will be certified. A notable exception here is the Roundtable for a Sustainable Cocoa Economy, which was born of the inter-governmental International Cocoa Organisation and has retained the influence of state bodies in its collective. It is notable, too, that this is the roundtable where least progress has been made toward codifying a sustainability standard. Both Côte d’Ivoire and Brazil have expressed the view that the RSCE should ‘avoid adopting a paternalistic approach in relation to the national sovereign policies of producing countries, through the imposition of certification’ (RSCE 2009: 3).

Having a membership that spans the international nodes of the supply chain, as well as the private and ‘not-for-profit’ sectors serves three important functions. First, it means that local knowledge can be shared about the challenges facing sustainable production in different parts of the world. This is crucial since the final standard has universal applicability – e.g. a soy producer in Brazil must meet the same criteria as one in India – and so it is necessary to have a set of requirements that are achievable in areas of different cultural, climatic, ecological and economic conditions.<sup>3</sup> Second, bringing together an industry’s key companies

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<sup>2</sup> For example, the soy roundtable has received funding from the German state aid agency, and the cotton roundtable funding from the Swedish aid agency.

<sup>3</sup> The FSC is the notable exemption here. Its principles are universal but indicators and criteria regional. Furthermore, the operationalisation of these criteria, which are not specific enough for auditors to use, are developed by certifying bodies (see Gale and Haward 2004).

and NGOs *simultaneously* helps mitigate the issue of standard overlap.<sup>4</sup> As Cohen and Sable identified, the forestry sector was afflicted with competing codes of good practice when the precursor to the current roundtable – the Forestry Stewardship Council – inspired major industry to provide their own watered-down imitations (Gale and Haward 2004). By getting powerful producers/retailers on board to begin with, the recent wave of roundtables has suppressed the emergence of alternative, potentially weaker standards. Third, while major industry representation offers greater coverage, NGO representation of course offers greater legitimacy. With an organisational mission to protect the environment and better society, NGOs are seen as vital bulwarks against the narrow commercial interests of corporations and are trusted with holding them to account through such institutions as roundtables. Table 1 provides further details of the size and scope of the roundtables, and also highlights the role played by one NGO in particular, the World Wildlife Fund (WWF), as a recurrent founder member.

**Table 1: Commodity roundtables as of August 2010**

Name	Date established – current status	Founder members	Current membership
Forest Stewardship Council (FSC)	1993 – 125m hectares of forest certified with sales estimated at \$20bn	WWF, Rainforest Alliance, logging companies and forestry managers among others	Over 500 members, represented in more than 50 countries
Marine Stewardship Council (MSC)	1997 – 69 fisheries certified with 19 undergoing assessment, covers 7% of world catch	WWF, Unilever	50 members
Roundtable on Sustainable Palm Oil (RSPO)	2003 – certified palm oil entered market 2008	Aarhus United UK Ltd, Golden Hope Plantations, Malaysian Palm Oil Association, Migros Genossenschafts Bund, Sainsbury's, Unilever and WWF	250 members, covering 40% global production mainly in Southeast Asia
Better Cotton Initiative (BCI)	2005 – market entrance expected by end 2010	Adidas, Gap, H&M, ICCO, IFAP, International Finance Corporation, IKEA,	30 members, production focus on Brazil, India, Pakistan and West

<sup>4</sup> Complications arise with regards to biofuels, since RSB is a 'meta-standard' covering all biofuels, while BSI, RSPO and RTRS cover biofuels but only in their specific crop area, i.e. BSI covers ethanol biofuel made from sugarcane (see table 1 for acronyms).

		Organic Exchange, Oxfam, PAN UK, and WWF	Africa
Roundtable on Responsible Soy Association (RTRS)	2006 – field testing concluded; market entrance expected 2011	WWF, Unilever, Solidaridad, producers including Grupo Andre Maggi and ABIOVE, and Latin American NGOs	130 members, production focus on Latin America and India
Better Sugarcane Initiative (BSI)	2006 – field testing of certification underway; market entrance expected end 2010	WWF, Tate & Lyle, International Finance Corporation, independent farmers and social NGOs	29 members, production focus on Brazil, Dominican Republic, India and Australia
Roundtable on Sustainable Biofuel (RSB)	2007 – field testing of certification completed; now revising certification standard	WWF, National Wildlife Federation, Shell, BP, Bunge, Toyota, producers including UNICA, academics	100 members
Roundtable for a Sustainable Cocoa Economy (RSCE)	2007 – developing guidelines on best practice and exploring challenges of certification	No official membership as yet – over 200 organisations attend first meeting	300 public, private and third sector organisations attend last international meeting
Aquaculture Stewardship Council (ASC)	2009 – business development phase; market entrance expected 2011	WWF and IDH (Dutch Sustainable Trade Initiative)	13 ‘supporters’ and hundreds of organisations participating in the standard ‘dialogues’
Sustainable Beef Roundtable	Planned 2011 – stakeholders to be brought together end of 2010	Cargill, Intervet/Schering-Plough Animal Health, JBS, McDonald’s and WWF	N/A

### *2.1 Deliberation within: the development of the roundtable sustainability standard*

The reason for flagging up the role of the WWF, and for ordering the entries in Table 1 on a chronological basis, is to suggest how the mode and outcomes of deliberation within the roundtables have come to share important features. Gibbon and Lazaro have noted how multi-stakeholder standards have reflected a set of common norms inherited from the initial FSC model and subsequently codified by the International Social and Environmental Accreditation and Labelling Alliance (ISEAL). With respect to governance, these include

providing equal voting rights in a common governing body and organising different interested parties in separate chambers. With respect to the sustainability standard, norms include making the standard available in the public domain, conducting periodic reviews, using public consultation and feedback when revisions are proposed, and providing meaningful opportunities to participate by those affected by the standard's implementation (Gibbon and Lazaro 2010: 8).

In practice, then, although each roundtable has its own specific organisational structure and set of processes, since most are members of ISEAL and all founded on the initiative of the WWF, some broad-brush similarities can be identified. For one, the executive bodies have been constitutionally-bound to represent the three main stakeholder groups of buyers, producers and civil society, and by extension both developed and developing countries. In addition, many roundtables have issue-specific chambers or a cross-issue Stakeholder Council, in which a wider section of the membership can debate and pass recommendations to the executive body. Access to this institution can be considered fairly open by the standards of most global governance bodies. Membership is open to all stakeholders subject to approval by existing members and payment of a fee. Moreover, in the post-2000 roundtables at least, significant effort has been made to engage different stakeholders through outreach meetings, with founder members travelling to a country likely to undertake certification and holding public meetings on the process and/or conducting field tests. Finally, in relation to standard deliberation, members of the public have been able to comment directly on its suitability without having to become a member of the roundtable itself.

It is these institutional features that help distinguish the roundtables from other regulatory bodies in international trade such as the WTO. In contrast to the WTO, which is frequently marked by negotiations based on open horse-trading and brinkmanship, the roundtables attempt to cultivate a more consensus-based process. Thus, alongside the spirit of inclusivity and reason-giving embodied within the roundtables' architecture, there is also an engrained culture of devolving information-gathering and legislative activities to independent experts (Gibbon and Lazaro 2010: 8). So, for instance, the roundtables covering biofuel feedstock (BSI, RSB, RSPO and RTRS) have had to make sure that their commodities are produced in such a way as to maximise carbon savings; an assurance which requires scientific knowledge of fuel emissions, soil management, plant biology, etc. In the case of the sugarcane roundtable, an 'Environment Working Group' was created with industry experts hired to synthesize the various (valid) suggestions on measuring greenhouse gas emissions



and ensure that its reporting mechanisms would be recognised as scientifically legitimate by observers. The use of ‘politically neutral’ consultants to lead technical working groups or provide reports for individual roundtable members, then, both prevents standard-setting from becoming overtly politically and also serves to ‘operationalise’ sustainability by codifying it and making it quantifiable.

Deliberation within the roundtables thus takes place, first, through the public reasoning which members must initiate when discussing the efficacy and veracity of the standard, and second, through the peer review element prompted by the shared experience of members across multiple roundtables. Evidence of this deliberation can be seen in the ‘tailoring’ of governance arrangements across issue areas. For instance, although the constitutional form of the roundtables can be traced back to the FSC, Gale and Haward note an important distinction to have emerged in the course of their proliferation. They contrast the FSC’s member-driven governance with the more managerial governance and streamlined standard of the MSC, tentatively suggesting that this was a result of the WWF’s perceived failure of the FSC and reluctance to establish another decentralised organisation to regulate fishing (Gale and Haward 2004). An example of the experimentation produced in ‘law’ can be seen in the emphasis laid on differing elements of sustainability. While the RSPO and RTRS have multiple criterion linked to the impact that their commodities have on local communities – covering issues such as compulsory community rights assessments, compensation for loss of land, and opportunities for local employment – perhaps since it has been less affected by the particular charges of ‘land grabbing’, the BSI standard has only one such criteria (BSI 2010; RSPO 2007; RTRS 2010).

## 2.2 Deliberative reflection: the response of civil society to roundtable standards

Despite bringing NGOs firmly within the formal decision-making apparatus of trade governance, wider support for the roundtables within global civil society has been far from evident. As we show below, the roundtables have prompted a wide range of communicative action critical of their project, with many civil society actors denouncing the roundtables and their attendant standards. Such responses might be taken to suggest that the problem is simply one of ratcheting up the regulation in response to fresh evidence. Yet such a reading would overlook the reasons why civil society actors see roundtables as failing to deliver greater sustainability, and, in doing so belie their fundamental misgivings about this form of trade governance. Three critiques related to the practice, purpose and unequal power relations of

roundtables help to explain the complex forms of deliberation that have emerged not just *within* the roundtables, but also *against* them.

The critique of practice refers to the limits of certification for promoting sustainability. Focusing on the Marine Stewardship Council, one aspect of this refers to the difficulties for smaller producers to become standard compliant. Ponte has written how the MSC has already had to reform its arrangements to make concessions for the small-scale and developing country fisheries that were marginalised from its system. This involved improving the awareness of its standard in developing countries, introducing special flexibilities within its procedural framework, and developing guidance on the use of ‘unorthodox’ information such as traditional ecological knowledge. However, Ponte then goes on to question whether greater technical assistance and capacity building alone are sufficient to encourage adoption of the standard, given that the more significant entry barrier related to ‘delivering sustainability at no additional cost and in large volumes’. Rooted in a lack of managerial resources, access to networks, and economies of scale, he concludes that this material inequality has proven a lot harder to manage away (Ponte 2008: 171). This is not just an issue of exclusivity. A number of academics have publicly criticised the MSC for pursuing greater volumes of certified fish rather than focusing on improvements in sustainability *per se*. This increases the pressure to certify ever-larger and more industrial fisheries, and with it, increasingly questionable certification decisions. Consequently, the MSC was advised to create protected marine areas and focus certification on smaller fisheries precisely because these were inherently more sustainable (Jacquet *et al.* 2010).

The critique of purpose pertains to the representativeness of roundtables. The Corporate Europe Observatory, a campaign group which challenges the privileged access of corporations in EU policy-making, has argued that roundtables lack full involvement of small farmers, landless peoples’ organisations and trade unions (CEO, TNI and GRR 2007). In a subsequent report on the sugar roundtable, they noted how membership of the BSI is comprised mainly of large multinational companies and Northern NGOs, with poorer stakeholders from the Global South excluded by the high membership fees.<sup>5</sup> While this might seem a complaint that could be resolved through reform to membership requirements or a concerted recruitment campaign, the NGO cast doubt on this possibility. They suggest instead

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<sup>5</sup> It is worth bearing in mind that roundtables do display some sensitivity to differences in financial resources. Fees differ according to both organisational type (e.g. civil society organisations pay less than corporations) and location (e.g. a lower fee is paid by NGOs from the Global South than the Global North). However, other resource constraints, such as language barriers and manpower, are not so easily accounted for.

that the absence of affected communities is symptomatic of a body created precisely to provide a veneer of credibility to sugarcane bio-fuels and gain public support for the industry. As such, CEO chose to dismiss deliberation with the roundtable and focus instead on lobbying policy-makers setting the target for mandatory biofuel consumption in the EU (CEO 2009).

Finally, the critique of power relations concerns the weak sanctioning mechanisms of roundtables. The trade union the International Union of Food workers (IUF), for instance, has claimed that Musim Mas, a member of RSPO which formerly served on its board, has been guilty of flagrant violations of labour rights. It condemned the RSPO for failing to recognise these breaches of the standard and eject Musim Mas as a member on the spot, regardless of whether it might subsequently pass the certification audit, which, in the event, it did (IUF 2006). In another case involving the RSPO, Greenpeace alleged that its standard has not been fully implemented across the membership, as either subsidiaries or different national branches of members have engaged in illegal land acquisition and deforestation practices whilst the parent company continued to sell palm oil under the RSPO-certified label (Greenpeace 2008; 2009b). Again, this raises difficult questions for critical civil society actors, as if the resolve to discipline key stakeholders is lacking, then what good does it do submitting evidence to the roundtable? For its part, Greenpeace has adopted a multi-faceted strategy, suggesting that the 'RSPO must implement and toughen up its existing criteria' whilst also arguing that 'voluntary certification alone cannot be sufficient to protect the last forests of South-East Asia' (Greenpeace 2008: 3). To provide such outside impetus, the organisation has lobbied the brand-name manufactures in the RSPO to abandon contentious suppliers outright – through such means as storming Unilever's headquarters dressed as orang-utans, an animal directly threatened by the loss of its habitat to oil palm – and has also called upon states in the region to implement a moratorium on further land clearance (Hickman 2010).

In each of these cases, civil society actors have directly engaged with the constitution and content of the commodity roundtables, even if they have subsequently denounced the arrangement as inadequate. An alternative, more radical critique has been to point out the inability of the roundtables to address the macro-effects of expanding commodity production. Taking aim at the soy industry both Friends of the Earth and *ad hoc* associations of NGOs have claimed that the expansion of soy monoculture is inextricably linked to the expulsion of rural communities, reduced access to land for traditional food production, and the loss of native habitats. Moreover, they argue that certification actually legitimises the promotion of

soy monoculture to meet the demand for ever more animal feed and bio-fuel (Friends of the Earth 2008a; ASEED Europe *et al.* 2008). In other words, in taking the supply-chain as the organising principle for sustainability, the roundtables are alleged to overlook the cumulative dangers that accrue when a particular production model is replicated to an ever-greater extent. Consequently, rather than lobbying for standards to be strengthened or companies to be brought to heel, these two organisations – along with 228 other civil society groups – in fact called for the RTRS to be abandoned. In its stead, they called for a reduction in meat consumption and carbon-intensive travel in Northern states, and the promotion of land reform and peasant-based ‘food sovereignty’ models in the South (Friends of the Earth *et al.* 2010).

### **3. Conceptualising roundtables as experimentalist governance**

The preceding analysis offers resources for thinking about the prospects for exporting the idea of experimentalist governance into global regulation of trade. In particular, it enables us to formulate empirically-informed, albeit tentative, answers to the two questions posed towards the end of our discussion of experimentalist governance, that relate to the content and cultural background of roundtables. In order to reach that point, though, it is first necessary to interpret the successes and failures of the roundtables through reference to the broader normative aims of experimentalist governance. The point of such an analysis is to ascertain whether and to what extent it is plausible to interpret roundtables as a manifestation of experimentalist governance. This task is pursued through examining the roundtables in relation to three distinct dimensions of experimentalist governance: first, their departure from a principal-agent model of accountability; second, their capacity to generate democratic destabilization effects in national and transnational contexts; and, third, their contribution to the task of democratizing the regulation of global trade.

#### 3.1 Roundtables, principal-agent relations and deliberative polyarchy

A key feature of experimentalist governance, as discussed in the first section, is that it departs from what Cohen and Sabel describe as the ‘principal-agent’ model of accountability. In their account of deliberative polyarchy, an alternative model is advanced that allows policy goals to be set through collaborative processes of reason-giving between a range of actors involved in making and appraising policy (Cohen and Sabel 2006: 779-84). Although roundtables are not, strictly speaking, policy-making bodies, their methods of selecting and policing industry-wide standards for global commodity production bears a striking resemblance to the deliberative mechanisms favoured by proponents of experimentalist governance.

The first aspect to note is that roundtables, or their founding members, do not operate at all like the ‘principals’ or ‘agents’ critiqued by Cohen and Sabel. The roundtables do not propose or have access to *ex ante* standards for sustainable community production but are established, in part, to formulate and refine such standards. This is illustrated by the process through which general principles are translated into detailed and quantifiable criteria that can be applied to the assessment of distinct areas of commodity production. A feature of this process, as we have seen, is that standards tend to ‘evolve’ throughout the lifespan of different roundtables. The standards are subject to periodic revision thanks to the shifting nature of the membership of roundtables, with new members introducing different perspectives to internal deliberations and building upon a growing pool of experience and knowledge about the adequacy and effectiveness of existing standards. This is an important consideration in assessing the experimentalist credentials of roundtables, as a feature of deliberative polyarchy is that goals or standards should be subject to periodic revision in the light of social learning about their application. The idea is that deliberative polyarchy ‘improves implementation’ of norms or standards, while also generating ‘improved understandings of goals and shifts in the content of norms’ (Cohen and Sabel 2006: 790). The process through which roundtables construct and revise industry-standards through an inclusive and transparent process of deliberation chimes with the aspirations of experimentalist governance.

The second feature of roundtables relevant in this context is their apparent incorporation of institutional dynamics that bear some resemblance to the processes of ‘peer review’ defended by experimentalist governance. The importance of this process, to recall, is that the bodies responsible for constructing, interpreting, and revising goals must be compelled to defend their actions to analogous authorities—or ‘peers’—who are in a position to evaluate and assess the performance of those bodies. This process also facilitates a collaborative pooling of knowledge and information, which allows an area of regulation to receive solutions appropriate to its particular settings while also allowing for deliberative comparison with solutions adopted in analogous areas (Cohen and Sabel 2006: 781). In relation to roundtables, collaborative learning is facilitated by the fact that particular organizations, such as Unilever and WWF, are members of a range of commodity roundtables, which places them in an efficacious position to learn from their experiences of roundtables in different areas of commodity production. The role of the ISEAL Alliance in providing a set of common standards—and a pool of collective knowledge—for roundtables is particularly important here. And, the degree of scrutiny that roundtables receive from

NGOs ensures that members must both defend the relevant standard and ensure that their conduct coheres with it. These features of the roundtable ‘system’ resemble the kind of collaborative processes and accountability central to deliberative polyarchy.

At the same time, it is important to stress that the ‘fit’ between roundtables and deliberative polyarchy is far from perfect. In particular, although the roundtables incorporate peer review to some degree, it is not evident that the peer review element satisfies the demanding normative requirements imposed by some advocates of experimentalist governance. Consider, for example, Sabel and Zeitlin’s description of peer review in the EU, which is based on complex institutional networks where various rule-making and rule-implementing bodies are formally obliged to justify their decisions to each other and may, in some cases, be subject to ‘penalty defaults’ imposed in the event of perceived failures (2009: 305-12). This process is explicitly contrasted with forms of monitoring and accountability that rest on irregular processes of information sharing and the weak force that ‘moral suasion’ and ‘fear of public embarrassment’ might bring to bear on intransigent institutional actors. This type of peer review, complain Sabel and Zeitlin, is ‘unworkable because in the absence of any sanction or discipline the actors could well choose to limit themselves to *pro forma* participation or worse yet manipulate the information they provide so as to show themselves, deceptively, to best advantage’ (2009: 305).

On the one hand, the experience of roundtables provides evidence to temper this scepticism. The account of the ‘external’ deliberations between roundtables and NGOs, for example, demonstrates the scope for smart, media-savvy, activists to compel a change of behaviour on the part of industry stakeholders through publicity-generating campaigns. On the other hand, the roundtable system of regulation does appear to bear out some of the fears of Sabel and Zeitlin. The unsystematic nature of the feedback mechanisms between roundtables and external critics, and between the roundtables themselves, arguably hinders the capacity of roundtables to instigate and benefit from social learning. In addition, the risk of alienating key stakeholders, whose participation is essential to the workability of roundtables, acts as a constraint on censoring or penalizing powerful actors. As Grant Rosaman, Forests Campaigner for Greenpeace, has put it: ‘When WWF becomes an external assessment body for the companies, the companies become their clients and it gets very difficult for them [the WWF] to stay loyal to their agenda’ (Rosaman cited in Zhou 2010). The roundtables, then, can at best be described as partial realizations of deliberative polyarchy.

### 3.2 Roundtables, civil society and democratic destabilization

Let us turn now to the relationship between roundtables and democratic destabilization. The latter idea, as discussed above, is an important element of the case in favour of experimentalist governance. It describes a situation where the creation of new forms of accountability at the global or transnational level will reinvigorate democracy in domestic contexts, by creating new sources of information, experience, and argument that can be mobilized by governments and social critics. This effect can be discerned in the EU, according to Sabel and Zeitlin, as increased transparency and participation in its regulation stimulates deliberation within and across member states (2008: 312-23). Although the dynamics at work in roundtables are quite different, not least because of the relatively minor role played by states or governments, the internal and external deliberations of roundtables appear to trigger similar destabilization effects in relation to regulation of trade. These arise, we suggest, as beneficial *side-effects* of the ambivalent attitude of civil society actors towards the roundtables.

The literature on deliberative democracy often ascribes to civil society a ‘unitary’ role as a social critic or advocate. Higgott and Erman’s work on the WTO is instructive here, in their endorsement of a ‘normative division of labour’ with states enforcing decisions and global civil society actors instigating processes of opinion- and will-formation (Higgott and Erman 2010). Our research on roundtables, however, suggests that such a narrow focus on global civil society ignores the democratic stakes of the genuine fissures between and within NGOs during such processes. ‘Global civil society’ is by no means a unitary actor in the internal and external deliberations of roundtables. Instead, civil society is constituted by the division, noted above, between reformist and radical strategies towards roundtables. This spectrum points to the fissure that exists between groups who are willing and able to participate in, and comprehend the intricacies of, roundtables, and those who are not. For the former, reformist arguments – in particular the critiques of regulation on its own terms – require civil society actors to function in more of an ‘expert’ than ‘activist’ manner, at least in the initial unfolding of the critique. It is notable that prominent ‘direct action’ groups like Greenpeace – an organisation with previous experience in certification via its membership of FSC – have engaged in such detailed readings of roundtable regulation. For the latter, roundtables are discredited for the purpose of communicating to publics, states and international organizations, such as the EU, the opposition of social movements to the very idea of industry-led attempts at ‘sustainable’ trade in certain commodities.

These different orientations do not merely reflect substantive disagreements about the merits of roundtables, but also reflect different strategies for dealing with the more general phenomenon of the ‘institutionalization’ of social movements. This is described by David Meyer and Sidney Tarrow as a process through which civil society organizations modify their challenges to various sites of authority in return for opportunities to influence their actions (1998: 21). The NGOs that participate in or recognize roundtables do so, in part, because they believe that inclusion in their internal deliberations will allow them to shape their agenda and design. The prize on offer is the creation and enforcement of standards that will exercise genuine control over powerful industry actors. In fact, reformist groups often combine tactics of (internal) expert participation and (external) activist criticism. This is illustrated by the willingness of Greenpeace to combine participation in some roundtables (FSC) with public criticism of others (RSPO), or to combine the strategies of invoking roundtable standards as salient, albeit inadequate, targets for sustainable production and engaging in direct action campaigns against intransigent industry roundtable members. This reflects the increasing capacity of civil society actors to ‘move between conventional and unconventional collective actions, and even to employ both sorts of strategies in combination’ (Meyer and Tarrow 1998: 23). The NGOs and other actors that refuse participation or recognition are, despite appearances to the contrary, no less ‘institutionalized’ than their reformist cousins, but merely adopt a contrasting strategy for generating public influence.

So, although civil society is often seen to operate in a straightforward ‘oppositional’ manner with regards to institutions and private organisations, we can, in fact, identify an informal spectrum between supportive and critical activities (Brassett and Smith 2010). The literature on global deliberation often attempts to ‘adjudicate’ between reformist and radical civil society strategies, with different theorists preferring different strategies depending on their normative orientations (Dryzek 2006). However, the framework of experimentalist governance, particularly its concept of democratic destabilization, suggests that greater benefits for deliberation may emerge in contexts where *both* reformist *and* radical civil society groups engage in a process of ‘competition’ for public opinion and influence. The positive by-product of this competition is a progressive expansion of the social argumentative pool, as competing perspectives on new sites of global accountability are introduced into national or transnational public spheres. Global regulatory bodies, such as roundtables, become focal points for a process of public contestation, as social critics draw on their knowledge and experience to formulate contrasting appraisals of their worth. The public expression of competing insider and outsider perspectives from well-respected NGOs



reenergises democracy by disturbing ‘deliberative inertia’, which is characteristic of circumstances where processes of public deliberation take place against a backdrop of tacit assumptions that marginalize alternative perspectives (Smith 2010). The depiction of roundtables as ‘smokescreens’ for sustainability, diverting attention from the wider ‘off-farm’ problems linked to the expansion of capital-intensive agriculture, is a good example of how such inertial dynamics can be challenged (Friends of the Earth 2008b). In this reading, then, the internal and external deliberations of roundtables do appear to generate the kind of democratic destabilizations favoured by experimentalist governance.

### 3.3 Roundtables and the democratization of global trade

The final stage of this comparison is to consider the extent to which the roundtables contribute at all to the grander project of experimentalist government: the long-term creation of a global democracy. The idea, to recall, is that deepening networks of global administration, shot through with peer review and democratic destabilizations, can contribute to the formation of a global democratic subject, whose members identify with each other and recognize certain interests in common (Cohen and Sabel 2006: 794-7). These effects, as advocates of experimentalist governance admit, are speculative and difficult to discern. It is, therefore, difficult to apply this idea to the evaluation of the roundtable system. It would seem, however, that unlike the previous two comparisons, which gave reasons to treat roundtables as at least partial instances of experimentalist governance, the analysis here is more circumspect.

The democratic credentials of roundtables are questionable on a number of fronts. First, although some roundtables succeed in providing a degree of representation for a wide range of stakeholders, the relations between participants departs to a considerable degree from plausible democratic expectations about equal status or fair opportunities to influence debate and decisions. This replicates a well-documented and widespread pattern of inequality between North and South in various sites of global governance (Glenn 2008). What is interesting in this case, though, is that it is not just powerful corporations that enjoy increased opportunities for influencing agendas but certain civil society actors too, namely Northern NGOs. Jason Clay, Senior Vice President for Market Transformation at WWF and a key figure in the development of the roundtables has articulated this (non-state) ‘club’ mentality well:

We are reaching the limits of natural resources on the planet. Any thinking environmentalist would want to see more intensification of agriculture... Do we want to work with 6 billion consumers? Do we want to work with 1 billion producers? Or do we want to work with 300 to 500 buyers of any given commodity?' (Clay cited in Gunther 2008).

Second, notwithstanding experimentalist optimism about counter-balancing the threats of technocratic management, there are genuine democratic concerns about the mode of regulation employed by roundtables. As Ponte argues, within international multi-stakeholder initiatives 'sustainability becomes auditable, systemic and managerial' (Ponte 2008: 171). The danger here is that a profoundly political issue becomes accessible only to those with the resources and inclination to interpret it through 'expert eyes'. By its own admission, WWF recognises that the resource-intensive nature of participation in the roundtables suggests that they might simply become a 'coalition of the active' (WWF 2010: 13). A risk they attach to this is a lack of representation preventing adequate expertise from emerging, particularly from social groups representing small producers and local communities since these are often unorganised (WWF 2010: 18). We would go further, however, to stress the performative barriers erected by the generalisation of quantitative method and abstracted rationality. This can have the counter-productive effect of marginalising or delegitimizing local, socially embedded conceptions of primary commodity production, in which case it is arguable that the best placed candidates to speak for under-represented groups would be excluded from the off.

And thirdly, drawing these points together, there is an apparent absence of what we might describe as a *democratic ethos* on the part of participants to roundtables at litmus test moments. A familiar thought in normative reflections on democratic citizenship is that members of a democratic community should recognize duties to promote the common good and abide by the outcomes of decision-making procedures (Miller 2000). The orientation of many participants in roundtables—particularly powerful industry actors—appears to fall far short of this ideal, as witnessed by NGO documentation of pervasive attempts to water down standards or exploit opportunities to avoid compliance with them. These instances of duty-avoidance are particularly damaging to the roundtable system, given the previously documented difficulty of imposing sanctions on non-cooperative parties.

#### **4. Conclusion: Deliberation without democracy?**

This paper has surveyed the emerging idea of experimentalist governance and applied it as a framework for understanding and evaluating commodity roundtables as an innovative method of regulating an aspect of global trade. The preceding discussion suggests that commodity roundtables can, with some justification, be interpreted as an imperfect manifestation of experimentalist governance. At the same time, the pervasive failings of these institutions reveal—at least in relation to this method of regulating global trade—the distance between the ideal and the reality of experimentalist global governance. At the beginning of this investigation, we made clear our intent not merely to operationalise experimentalist governance as a theoretical framework for understanding and appraising extant governance structures but also to use our case study as a means of reflecting back on the framework itself. In this concluding section we make good this claim by briefly returning to the questions raised about the framework at the end of the first section.

The first question, to recall, asked about the potential of non-conventional regulatory bodies, comprised of self-selected civil society and industry actors, to embody the virtues of peer review and accountability prized by advocates of experimentalist governance. Some advocates of experimentalist governance, as we have seen, express reservations about regulatory structures that enable stakeholders to set and police ‘their own’ standards (Cohen and Sabel, 2006: 788). The concern is that industry and NGO-led initiatives are prone to generate a proliferation of competing standards, as well as suffering from lax enforcement mechanisms and manipulation by powerful groups. Our analysis of roundtables certainly offers some basis for scepticism in relation to the latter point, but also suggested that other reasons why such bodies should be taken seriously by advocates of experimentalist governance. Compared to ‘traditional’ global governance arrangements in trade such as the WTO, the roundtables have certainly produced more ambitious socio-ecological regulation, and many large-scale members have made progress towards these ends. Furthermore, the deliberative benefits of roundtables, generated in particular by the destabilizing effects of collaborative and competitive relations between (and within) industry and civil society, suggest that experimentalists should not neglect these arenas in favour of those, like the EU or WTO, that are ‘graced’ by greater state involvement.

The second question addressed the challenge of democratizing deliberation in the absence of the supportive social background. An attractive feature of experimentalist governance is the willingness of its advocates to speculate about the potential democratizing effects of introducing—or, perhaps better, reforming—complex administrative structures in

the global realm. Our findings suggest that a degree of caution be injected to expectations for accelerating global democratization through innovative reforms in the trade arena. As we discussed toward the end of the third section, experimentalist governance structures that are imposed onto a global order skewed in favour of powerful corporate and privileged NGO actors are likely to replicate the deficiencies of that broader context. This means that it will prove difficult, to say the least, to defend the democratic credentials of such structures. However, the democratic failings of roundtables by no means obviate their virtues as *deliberative* bodies. This suggests that, although roundtables may not be sufficiently democratic in their composition and operation, through their capacity to trigger democratic destabilization they may indirectly facilitate values associated with democracy. This idea is expressed by Allen Buchanan and Robert Keohane, in their claim that innovative global institutions may promote democratic values—like transparency, accountability, and reason-giving—without structuring the global order along recognizably democratic lines (Buchanan and Keohane 2006: 433-4). The virtue of this perspective is that it enables us to distinguish between democracy and deliberation, recognizing that the latter may be present—and may even flourish—in contexts where the former is not realized to a satisfactory degree (Smith and Brassett 2008).

In conclusion, our aim is to encourage the further development of experimentalist governance as an important framework for addressing deliberative global governance. In that spirit we put forward two propositions, one more pragmatic, one more critical/political, both, we think geared towards the development of the democratic. A pragmatic response to the problems identified is to focus on the prospects for improving the *deliberative* credentials of existing arrangements. Our reforms should look, in the first instance, towards enhancing the reason-responsiveness of global institutional arrangements, in the hope that they can advance certain democratic values even in the absence of global democracy. This may seem an unambitious stance, which certainly calls for further support and explanation than can be provided here. It is, though, important to note that it is quite compatible with continued reflection on the theory and (potential) practice of global democracy. In fact, we might contend that it is the failure to fully acknowledge the difficulties and challenges of democratizing the global order that is, ultimately, more dangerous to the project of global democracy. The inevitable disappointments of ‘real world’ experiments in global governance may, in the absence of a certain kind of *empirically-informed realism*, cultivate a fatalism that would be corrosive to the unfinished project of democracy.

One proposal we make, therefore, is that the common suggestion that civil society activists should tailor their arguments to fit within the professional policy discourses of global governance might be reversed? What if, for instance, such global governance bodies were encouraged to conduct formal surveys of civil society positions on their regulatory practices? At the very least, building such a mechanism into the day to day operations of Roundtables would further allow for the communication of a broad range of reasons around the subject of sustainability. Such a reform might work to institutionalise – in a small way - a critical public sphere that could allow for more radical reasons to enter the Roundtables. Thus, secondly, accepting the pragmatic turn to enhance deliberative processes, in political terms we might seek to think through and perhaps encourage processes of ‘deliberation against’ in order to mobilise broader public opinions. Recognising the importance of ‘deliberation against’ might afford one route, albeit piecemeal and long-term, to the politicisation of ‘off farm issues’ and difficulties of reconciling a global scale with diversity and local practices. In this sense, while dressing up as orang-utans might not strike many deliberative theorists as particularly ‘reasonable’ or ‘profound’ gesture, such performative practices highlight the ethical implications of the decisions made in deliberative forums like Roundtables and therefore suggest one way in which the genuine democratic stakes of sustainability can be publicised.

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